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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,141	03/15/2001	Yoichi Iki	108933	3052
25944	7590	07/27/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2177	14
DATE MAILED: 07/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,141	IKI ET AL. <i>[Signature]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Miranda Le	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                         |                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/12/2004 has been entered.
2. This communication is responsive to Amendment B, filed 05/12/2004.
3. Claims 1-15 are pending in this application. Claims 1, 6, 7, 12 are independent claims. In the Amendment B, claims 1, 6, 7, 12 have been amended, claims 13-15 have been added, no claims have been added. This action is made non-Final.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-9, 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiota et al. (US Patent No. 6,625,334 B1).

Shiota anticipated independent claims 1, 6, 7, 12, by the following:

**As to claims 1, 7,** Shiota teaches “an image data acquiring section for acquiring image data to be stored as a file” at col. 2, lines 23-37;

“structure information setting section capable of having a user arbitrarily set beforehand structure information that defines structure of a file name, the file name being given to the image data acquired by the image data acquiring section when the image data is stored in a memory” at col. 2, lines 38-47;

“a name-generating section for acquiring, for each data acquired by said image data acquiring section, information, relating to said image data, according to the structure information that is set by the structure information setting section, to automatically generate said file name using the acquired information” at col. 3, lines 12-31;

“a managing section for storing the image data acquired by the image data acquiring section, and for managing the stored image data using the file names generated by the name-generating section” at col. 3, lines 32-50.

**As to claims 6, 12,** Shiota teaches “an image data acquiring section for acquiring stored image data to which a file name is given in advance” at col. 2, lines 38-47, col. 2, lines 23-37;

“a structure information setting section capable of having a user arbitrarily set beforehand structure information that defines a structure of a virtual file name, the virtual file name being

given to the image data acquired by the image data acquiring section when the image data is stored in a memory” at col. 2, lines 38-47;

“a name-generating section for acquiring, for each said image data acquired by said image data acquiring section, information relating to said image data, according to the structure information that is set by the structure information setting section, to automatically generate said virtual file name using the acquired information” at col. 3, lines 12-31,

“a managing section for storing said image data acquired by said image data acquiring section and for managing the stored image data using the virtual file name generated by the name-generating section” at col. 3, lines 32-49.

**As to claims 2, 8,** Shiota teaches “the image data acquiring section acquires stored image data to which a file name is given in advance and associated information that is associated with the stored image data” at col. 2, lines 38-47;

“the name-generating section acquires, for each said image data acquired by said image data acquiring section, information relating to said image data, from said associated information according to the structure information that is set by the structure information setting section, to generate a new file name using the acquired information” at col. 3, lines 12-31.

**As to claims 3, 9,** Shiota teaches “said image data acquiring section acquires microscope image data of a sample that is photographed by an imaging device that is part of a microscope system” at col. 2, lines 23-37;

“said structure information setting section can set, as said structure information, a characteristic of the microscope image data to be reflected in a file name of said microscope image data” at col. 2, lines 38-47.

**As to claims 13-15**, Shiota teaches “the name-generating section gives, to each said image data acquired, the file name generated according to set structure information, until the structure information is reset by the structure information setting section” at col. 2, lines 38-47.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US Patent No. 6,625,334 B1), in view of Aoi et al. (US Patent No. 6,438,320).

**As to claims 4, 10**, although Shiota does not specifically teach these claimed limitations, Aoi teaches:

“a classifying condition setting section capable of setting arbitrarily a classifying condition to be used for classifying the image data stored in the managing section into a plurality of groups” at col. 8, lines 42-55;

“a classifying section for acquiring information corresponding to said classifying condition from the file names of the image data stored in said managing section, to classify image data having the same said information acquired corresponding to said classifying condition into a same group” at col. 8, lines 42-55, col. 12, lines 19-27, wherein

“said managing section manages, image data stored therein in advance, in two ways, which are managing by the file names generated by the name-generating section and managing by a result of classifying by the classifying section” at col. 8, lines 42-55, col. 12, lines 19-56.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Shiota with the teachings of Aoi to include “a classifying condition setting section capable of setting arbitrarily a classifying condition to be used for classifying the image data stored in the managing section into a plurality of groups; a classifying section for acquiring information corresponding to said classifying condition from the file names of the image data stored in said managing section, to classify image data having the same said information acquired corresponding to said classifying condition into a same group” in order to make it possible to display the information for images recorded in a recording medium for a user at a high speed.

8. Claims 5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US Patent No. 6,625,334 B1), in view of Hatanaka et al. (US Patent No. 6,438,320 B1).

**As to claims 5, 11,** Shiota does not explicitly teach the following limitations. However, Hatanaka teaches: “a thumbnail display section for displaying a thumbnail image that is a reduced image of an image corresponding to the image data stored in said managing section” at col. 4, lines 5-14, col. 5, lines 13-45;

“a displaying condition setting section for setting, as a displaying condition to be used for selecting the thumbnail image to be displayed by the thumbnail display section, information that is included in the file name corresponding to the thumbnail image to be displayed” at col. 5, lines 16-44, wherein

“said thumbnail display section selects the file name including the information that is set as the displaying condition by the displaying condition setting section, from file names of the image data stored in said managing section, and displays the thumbnail image corresponding to the selected file name” at col. 5, lines 16-44.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to modify the teachings of Shiota with the teachings of Aoi to include “a thumbnail display section for displaying a thumbnail image that is a reduced image of an image corresponding to the image data stored in said managing section; a displaying condition setting section for setting, as a displaying condition to be used for selecting the thumbnail image to be displayed by the thumbnail display section, information that is included in the file name corresponding to the thumbnail image to be displayed; said thumbnail display section selects the file name including the information that is set as the displaying condition by the displaying condition setting section, from file names of the image data stored in said managing section, and displays the thumbnail image corresponding to the selected file name” in order to provide a file management system of

data, in which a peculiar file name which is not overlapped can be allocated so long as it is recorded by the same image pickup apparatus, thereby making it possible to prevent a situation that a plurality of files of the same name exist.

***Response to Arguments***

9. Applicant's arguments regarding the applied references Stewart and Yokomizo do not disclose or suggest a name-generating section for acquiring information relating to the image data according to the structure information relating to the image data according to the structure information that is set by the structure information setting section to automatically generate the file name using the acquired information, with respect to claims 1, 6, 7, 12 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 872-9306. The TC 2100's Customer Service number is (703) 306-5631.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Miranda Le*  
Miranda Le  
July 20, 2004

*Greta Robinson*  
Greta Robinson  
PRIMARY EXAMINER